

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JOHN MATELIC,

Plaintiff,

v.

BENNY MENDOZA,

Defendant.

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CIVIL ACTION NO. 12-13523

DISTRICT JUDGE AVERN COHN

MAGISTRATE JUDGE R. STEVEN WHALEN

**ORDER DENYING MOTION FOR COUNSEL**

Plaintiff, a *pro se* litigant in this civil rights action brought under 42 U.S.C. §1983, has filed a motion for appointment of counsel [Dock. #49].

Unlike criminal cases, there is no constitutional or statutory right to the appointment of counsel in civil cases. Rather, the Court requests members of the bar to assist in appropriate cases. In *Lavado v. Keohane*, 992 F.2d 601, 605-606 (6<sup>th</sup> Cir. 1993), the Sixth Circuit noted that “[a]ppointment of counsel in a civil case is not a constitutional right. It is a privilege that is justified only by exceptional circumstances.” (Internal quotations and citations omitted).

It is the practice of this Court to defer any attempt to obtain counsel for *pro se* civil rights Plaintiffs until after motions to dismiss or motions for summary judgment have been denied. The dispositive motion deadline is currently set for January 28, 2016. *Docket #47*. At this stage of the proceedings, Plaintiff’s request for counsel is premature.<sup>1</sup>

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<sup>1</sup>This case was stayed on August 14, 2013 and reopened on January 7, 2015.

Accordingly, Plaintiffs' Motion to Appoint Counsel [Dock. #49] is DENIED  
WITHOUT PREJUDICE.

IT IS SO ORDERED.

/s/R. Steven Whalen

R. STEVEN WHALEN

UNITED STATES MAGISTRATE JUDGE

Date: July 1, 2015

Certificate of Service

I certify that the foregoing order was served upon parties of record on July 2, 2015  
via the CM/ECF system or postal mail.

/s/A. Chubb

DEPUTY CLERK